

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

MARIA DALBOTTEN,

Plaintiff,

vs.

C.R. BARD, INC. and BARD
PERIPHERAL VASCULAR, INC.,

Defendants.

CV 20-34-BLG-SPW

ORDER

The parties have submitted a number of deposition excerpts in advance of trial. This order sets forth the Court's ruling on a portion of the objections in those excerpts. Additional orders ruling on the remaining objections will follow.

A. Lauren Schwartz Deposition – February 15, 2022

1. 26:20-26:22 – sustained for reasons stated in the objection

B. Christine Brauer Deposition – May 23, 2014

1. 145:24 – sustained, “that you are representing as an expert” is not admissible, misleading that Dr. Brauer is “representing” Defendants, experts do not “represent” the party who hired them.
2. 158:17-158:21 – overruled
3. 159:16-159:17 – overruled
4. 160:06-160:11 – overruled
5. 162:08-162:12 – overruled

6. 167:18-167:23 – sustained, can’t tell which filter is being discussed,
confusing
7. 168:03-168:08 – sustained, can’t tell which filter is being discussed,
confusing
8. 168:21-169:07 – sustained, relates only to the Recovery filter
9. 184:06-184:12 – overruled, speaking generally
10. 184:24-185:05 – overruled, general question
11. 185:08-185:10 – overruled, general question
12. 185:18-186:24 – overruled with redaction, including the death reference
at 186:12-186:13
13. 189:09-189:12 – overruled
14. 190:04-190:22 – overruled, witness is speaking generally about filter tilt,
doesn’t mention the Recovery
15. 194:17-195:02 – overruled
16. 195:08-195:13 – sustained, relates to the Recovery filter
17. 203:09-203:17 – sustained, beyond the scope of the witness’s expertise,
see 204:17-205:02
18. 203:19-203:22 – sustained, see 17
19. 204:09-204:12 – sustained, see 17
20. 218:10-218:19 – overruled

21. 240:02-241:12 – overruled, speaking generally, no mention of the Recovery filter in the questions or answers
22. 253:24-254:02 – overruled with Plaintiff’s designation of 253:5-6
23. 256:01-256:06 – sustained, relevancy
24. 258:16-258:21 – sustained, relevancy, propensity evidence
25. 272:10-272:17 – sustained, relevancy
26. 273:15-273:22 – sustained, relevancy
27. 274:16-274:20 – sustained, relevancy
28. 274:24 – sustained, relevancy
29. 276:01-276:09 – sustained, relevancy
30. 276:11-276:14 – sustained, relevancy
31. 276:21-277:10 – sustained, relevancy
32. 292:06-292:16 – overruled
33. 314:07-314:09 – sustained, question without an answer

C. Alexa Martin Deposition – September 3, 2021


1. 21:10-21:15 – sustained, relevancy, counsel is testifying
2. 22:09-22:11 – sustained, relevancy
3. 92:01-92:10 – Plaintiff agrees to withdraw 92:07-92:10; sustained as to 92:01-92:06, witness doesn’t know and the question is not evidence
4. 95:16-95:22 – sustained, witness doesn’t know and the question is not

evidence

5. 96:16-96:18 – overruled

The clerk is directed to notify counsel of the entry of this Order.

DATED this 2nd day of March, 2023.



SUSAN P. WATTERS
United States District Judge